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February 24, 2006

Honorable Glen E. Clark
Honorable Judith A. Boulden
Honorable William T. Thurman
350 South Main Street
Salt Lake City, UT 84111

Re: *Chapter 13 Attorney's Fees under BAPCPA*
Case No. 06-50001

Dear Judges:

I thank the Court for entertaining comments regarding chapter 13 attorney's fees under BAPCPA. Although debtor's counsel has always had the ability to file fee applications in cases requiring extra work, there is a lot of benefit to all parties in having a presumptive, "no-look" fee.

I agree with the concerns raised in the subcommittee recommendation regarding the current \$1,600 / \$2,000 fee split for consent confirmations and contested confirmations. I have personally experienced the concerns raised in that part of the recommendation (e.g., conflict of interest with client, creditors delaying or refusing to withdraw objection unless given favorable treatment, and delay caused by debtor or other circumstances outside of attorney control).

I believe the presumptive fee for a confirmed case should be the same regardless of whether a contested confirmation hearing is required. Excusing an attorney from attending a confirmation hearing when it is confirmed without objection should be sufficient incentive in and of itself for debtor's counsel to push for confirmation without objection. Financially punishing debtor's counsel for having to appear at a contested confirmation hearing due to reasons outside of the attorney's control is simply unfair.

So far I have only filed one chapter 13 case under BAPCPA. Because the 341 meeting has not yet taken place, I can only speak to pre-341 issues. The biggest difference in this case than in pre-BAPCPA cases is in the time it took me to prepare Form 22C. My client's living situation would not be considered "traditional" and that has caused uncertainty in preparing the form. I have spoken with the trustee and with other consumer bankruptcy attorneys about how to prepare Form 22C given the facts of the case and I have received different responses from each of

them. I spent nearly 4 hours in preparing that form alone. If the debtor's living situation was more traditional, then I believe I could have prepared the form in approximately 2 hours.

It is too early for me to determine how much time will be involved in a post-BAPCPA chapter 13 case. However, it appears to me that a "no-look" fee of \$2,750 as recommended by the subcommittee should be close to the mark.

Sincerely,

/s/

David W. Johnson